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8 Attorney for Portfolio Recovery Associates, LLC

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10 KIA WILSON, ) Case No.: 07 CV926-BEN (WMc)  
11 Plaintiff, )  
12 vs. ) DECLARATION OF DEBBIE P.  
13 ) KIRKPATRICK IN RESPONSE TO  
14 PORTFOLIO RECOVERY ) ORDER TO SHOW CAUSE  
15 ASSOCIATES, LLC, ) Date: September 26, 2007  
16 Defendant. ) Time: 2:00 p.m. – Telephonic  
17 ) Hon. William McCurine, Jr.

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18 I, Debbie P. Kirkpatrick, declare:

- 19 1. I am an attorney at law licensed to practice in the State of California,  
20 admitted to practice in the above-entitled court, and attorney of record for defendant  
21 Portfolio Recovery Associates, LLC.
- 22 2. This declaration is provided in response to the court's Order to Show Cause  
23 issued on September 21, 2007.
- 24 3. Settlement of this matter was reached on or about August 23, 2007. On  
25 August 23, 2007, the court issued an order setting a telephonic Settlement Disposition  
26 Conference for September 19, 2007 at 9:15 a.m.

4. In the weeks following settlement of this matter, the parties finalized a written settlement agreement, signatures were exchanged, and all settlement terms were fulfilled with the exception of the dismissal.

5. I regrettably cannot provide good cause for failure to participate in the telephonic Settlement Disposition Conference on September 19, 2007 as it was due to an oversight. All other elements of the settlement had been previously concluded, and I failed to realize a joint dismissal motion was not timely filed in order to vacate the Settlement Disposition Conference. I apologize to the court for any inconvenience resulting from my failure to participate.

6. Upon receipt of notice of e-filing of the Court's Order of September 20, 2007 entitled Order Setting Telephonic Settlement Disposition Conference (superseded by the Court's Order to Show Cause), I realized that I and plaintiff's counsel had failed to timely file a joint dismissal motion. At that point, I contacted Joshua Swigart, counsel for plaintiff, and the joint dismissal motion was prepared and filed on September 21, 2007.

7. I once again apologize to the Court for failing to participate in the telephonic Settlement Disposition Conference on September 19, 2007.

Dated: September 25, 2007

s/Debbie P. Kirkpatrick  
Debbie P. Kirkpatrick